

REMARKS

Claims 1-19 are pending. Of these, claims 1, 11, and 18 are written in independent format.

§ 103 REJECTION

Beginning on page 2 of the Office Action, claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent no. 5,633,888 ("the '888 patent") to Stewart in view of U.S. Patent no. 5,649,000 ("the '000 patent") to Lee et al. This rejection is traversed.

CLAIM 1

Taking claim 1, for example, the Examiner asserts that the '888 patent discloses all features except (as described by the Examiner) "the use of a frequency band $f_{\text{band}}(2)$." For this feature of claim 1, the Examiner relies upon the '000 patent, believing that it would have been obvious to have modified the '888 patent according to the '000 patent. Applicant traverses.

Among other things, claim 1 recites: "transmitting a message to the dependent indicating to the dependent to register with a communications network using a frequency band $f_{\text{band}}(2)$." To establish correspondences with the applied art, the Examiner has generalized what claim 1 recites to a degree that he has, in effect, ignored limitations in claim 1.

Parsing the above-quoted feature of claim 1 will help reveal what the Examiner has ignored:

- transmitting a message to the dependent,
- the message indicating (to the dependent) to register with a communications network,
- such registration to be done using a frequency band $f_{\text{band}}(2)$.

The Examiner has asserted that the claimed transmitting of a message etc. corresponds in '888 patent to a time mark frame. If all that Applicant had recited was "transmitting a message," then perhaps the Examiner's contention might have merit. But, again, Applicant has claimed more.

The '888 patent defines a time mark frame as follows (col. 1, line 65, to col. 2, line 3):

In a typical system, a time mark frame is transmitted by each access point at the beginning of each frequency hop. The time mark frame includes identification of the channel number (i.e. the particular frequency) upon which

the access point is broadcasting and an identification of the hopping sequence employed by the access point.

After a mobile unit has determined (at step 501) that it needs to connect to a successor access point, it checks (at step 502) the "adjacency matrix" stored locally in its memory 232 (see col. 7, lines 9-12) to choose the identity of the successor access point. At steps 503-504, the mobile unit accesses the matrix in its memory 232 to determine the new frequency that it will use to connect to the successor access point and then at step 505 begins to listen for the successor access point on the new frequency.

At step 506, the mobile unit determines if a time mark frame has been received from the successor access point. However, the time mark frame sent by the successor access point does not indicate to the mobile unit that the mobile unit is to register with a communications network.

Even if Applicant assumes for the sake of argument that some "registration" is done after the mobile unit receives the time mark frame, such "registration" is not done because of what was indicated to the mobile unit by the time mark frame. Rather, before receiving the time mark frame, the mobile unit already knew that it needed to establish communication with the successor access point as soon as it received the time mark frame.

Thus, a distinction over the '888 patent of claim 1 is that the message transmitted to the dependent indicates (to the dependent) to register with a communications network.

The '000 patent has not been cited as a teaching of the distinction of claim 1 noted above, nor would it be reasonable for the Examiner to assert that as much regarding the '000 patent. Thus, the distinction over the '888 patent also is a distinction over the '000 patent, and thus over the combination of the '888 and '000 patents.

Claims 2-10 depend at least indirectly from claim 1, respectively, and thus distinguish over the applied art at least for the same reasons.

CLAIM 11

Among other things, independent claim 11 recites registering the dependent with a first master device and a controller. To the extent that the '888 patent teaches "registration" (see discussion above), and further assuming for the sake of argument that an access point of the '888 patent corresponds to an instance of the claimed master device, Applicant submits that the '888 patent teaches that a mobile unit performs such registration only with a successor access point, i.e., not the successor access point and a controller.

The '000 patent has not been cited as a teaching of the distinction of claim 11 noted above, nor would it be reasonable for the Examiner to assert that as much regarding the

'000 patent. Thus, the distinction over the '888 patent also is a distinction over the '000 patent, and thus over the combination of the '888 and '000 patents.

Claims 12-17 depend at least indirectly from claim 11, respectively, and thus distinguish over the applied art at least for the same reasons.

CLAIM 18

Among other things, independent claim 18 recites monitoring a strength at the master device for a signal transmitted by the dependent over the first frequency hopping sequence. As explained above, the '888 patent teaches that the mobile unit determines (at step 501) that it needs to connect to a successor access point. The mobile unit does so by checking whether the signal strength from the current access point falls below a threshold level; see col. 10, lines 10-15. Also as explained above, it has been assumed for the sake of argument that an instance of the claimed master device corresponds to an access point of the '888 patent.

A distinction over the '888 patent of claim 18 is that the signal strength is monitored at the master device. Again, the '888 patent teaches that such monitoring is done at the mobile unit, not at the access point.

The '000 patent has not been cited as a teaching of the distinction of claim 18 noted above, nor would it be reasonable for the Examiner to assert that as much regarding the '000 patent. Thus, the distinction over the '888 patent also is a distinction over the '000 patent, and thus over the combination of the '888 and '000 patents.

Claim 19 depends from claim 18 and thus distinguishes over the applied art at least for the same reasons.

In view of the foregoing discussion, the rejection is improper and its withdrawal is requested.

CONCLUSION


The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

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